

# Notice of Allowability

Application No.

10/721,073

Examiner

Philip R. Smith

Applicant(s)

MASUNISHI, KEI

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/21/2005.
2. ☒ The allowed claim(s) is/are 1 and 7-38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

The former objections to the claims are withdrawn.

### ***Claim Rejections - 35 USC § 112***

Claim 2 has been cancelled; the former rejection of claim 2 under paragraphs one and two are withdrawn.

### ***Claim Rejections - 35 USC § 102***

The independent claims have been amended to include subject matter which was indicated as allowable. The former rejections are withdrawn.

### ***Allowable Subject Matter***

Claims 1 & 7-38 are allowed. The subject matter previously indicated as allowable was twofold:

With regard to claims 1, 7, 9, 13, 14, 18, 19, having been amended to incorporate original claim 4 (since cancelled): The prior art does not disclose a thermal receiving element provided on an end portion of an optical fiber bundle wherein said end portion is cut an incline to the axis of the optical fiber bundle. Johnson (4,204,742) discloses an optical fiber bundle which is cut perpendicular to the axis. (In accordance with the specification, the axis is defined as longitudinal, that is, being parallel to light flow through the optical fiber bundle.) Likewise, Chastagner (5,152,748) discloses a non-inclined cut: one which is perpendicular to light flow. No motivation could be found to modify Johnson or Chastagner to include an inclined cut of the optical fiber bundle, which is to say a non-perpendicular cut of the optical fiber bundle.

Art Unit: 3739

With regard to claims 23, 24, 25, 29, 30, 34, 35, having been amended to incorporate claim 7: The prior art does not disclose a thermal receiving element which covers a wedge-shaped area of an end portion of the optical fiber bundle. As noted, Johnson & Chastagner disclose perpendicular cuts, which precludes a "wedge shaped area of an end portion of said optical fiber." The end portions disclosed by John & Chastagner can only be construed as circular, which is to say not wedge shaped. Claim 7 is therefore allowable for essentially the same reasons as claim 4; a distinct cut of the end portion of the optical fiber bundle.

Claims 8, 10-12, 15-17, 20-22, 26-28, 31-33 & 36-38 incorporate allowable claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R. Smith whose telephone number is (571) 272 6087. The examiner can normally be reached between 9:00 and 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

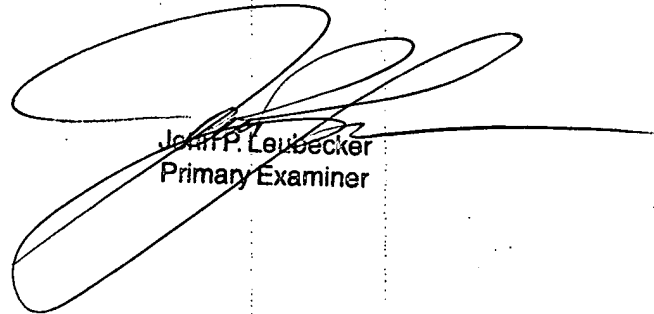
Application/Control Number: 10/721,073

Page 4

Art Unit: 3739

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

prs



John P. Leubecker  
Primary Examiner